



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2009 Biennium

Bill #	SB0125	Title:	State hospital forensic exam, treatment, commitment, transfer
Primary Sponsor:	Harrington, D.	Status:	As Introduced

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|---|--|--|
| <input type="checkbox"/> Significant Local Gov Impact | <input type="checkbox"/> Needs to be included in HB 2 | <input type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts | <input type="checkbox"/> Dedicated Revenue Form Attached |

FISCAL SUMMARY

	<u>FY 2008 Difference</u>	<u>FY 2009 Difference</u>	<u>FY 2010 Difference</u>	<u>FY 2011 Difference</u>
Expenditures:				
General Fund	\$0	\$0	\$0	\$0
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

Description of fiscal Impact:

This bill revises the statutes on mental competency of the accused, affecting examination and treatment of criminal defendants; providing sentencing alternatives and implementing involuntary medication procedures under certain circumstances. It is likely that the Department of Corrections and the Judicial Branch may be affected by these proposed changes, but difficult to assess without any projected numbers of defendants.

FISCAL ANALYSIS

Assumptions:

Department of Corrections

1. This bill requires guilty but mentally ill defendants to receive an examination from a psychiatrist or psychologist. The Department of Corrections (DOC) would have to contract with outside professionals in order to comply with annual examinations of DOC incarcerated and supervised offenders.
2. Approximately 1 hour would be needed for a contracted psychiatrist or psychologist to conduct an exam required by this bill. The report required by this bill would take approximately 2 hours to prepare. The contracted rate for the exam and related report would be approximately \$50.00 per hour.

3. This bill would also increase the number of people on probation and in prison as judges would have the authority to sentence guilty but mentally ill defendants to DPHHS custody, but then defer the sentence to DOC supervision or sentence defendants directly to prison.
4. The number of defendants in Secure Facilities and Community Corrections Programs that would be affected by this bill can not be determined; therefore, a calculation of the fiscal impact can not be quantified.
5. General fund cost for the incarceration of a male inmate is approximately \$27,696 per year and the cost of incarceration of a female inmate is approximately \$29,178 per year. Cost would be slightly lower if convicted felons were placed on Intensive Supervision at approximately \$2,789 per year and probation would be approximately \$1,464 per year.

Judicial Branch

6. This bill implements procedures for involuntary medication of defendants under certain circumstances and provides for a medication review committee (46-14-221 (5) (b)).
7. The Judicial Branch assumes the costs of such medication review committee will be borne by the Department of Public Health and Human Services.
8. This legislation may result in additional District Court proceedings. The Judicial Branch is unable to estimate the impact of this legislation on judicial workload or the fiscal impact. The cumulative impact of such legislation may over a period of time require additional judicial resources.
9. The fiscal impact of this legislation cannot be measured without further information on the possible numbers of defendants.

Department of Public Health and Human Services

10. The Montana State Hospital (MSH) does not incur any additional costs due to SB 125. The hospital currently addresses the issues in its clinical work and keeps the process relatively simply. The MSH does have costs associated with an increased patient population and volume of work, but this legislation does not add to those costs.
11. This bill does not has no fiscal impact to the state at the Department of Public Health and Human Services.

Sponsor's Initials

Date

Budget Director's Initials

Date